



26 MAY 2004

#71

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Gerald F. Swiss  
Burns Doane Swecker & Mathis  
Post Office Box 1404  
Alexandria, VA 22313-1404

In re Application of :  
ELSLEY, David :  
Application No.: 10/089,362 :  
PCT No.: PCT/CA00/01112 :  
Int. Filing Date: 25 September 2000 :  
Priority Date: 24 September 1999 :  
Attorney Docket No.: 033136-269 :  
For: COMBINED THERAPIES FOR :  
ATHEROSCLEROSIS TREATMENT :

NOTIFICATION OF  
WITHDRAWING HOLDING OF  
ABANDONMENT

The above-captioned application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

On 22 November 2002, the United States Designated Office (DO/EO/US) mailed a Notification Missing Requirements under 35 CFR 371 (Form PCT/DO/EO/905) indicating that a signed oath/declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) together with a surcharge payment were required. The notification set a two-month time limit in which to respond.

On 14 January 2003, applicant filed a declaration and power of attorney.

On 05 March 2004, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification of Missing Requirements mailed 22 November 2002 within the time period set therein.

In view of the receipt of the declaration and power of attorney filed 14 January 2003, which was a timely response to the Notification of Missing Requirements mailed 22 November 2002, the Notification of Abandonment mailed 05 March 2004 was in error and is hereby **VACATED**.

A review of the application papers reveals that applicant completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 25 September 2000 and a date of 14 **January 2003** under 35 U.S.C. 371.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

A handwritten signature in black ink, appearing to read "Anthony Smith".

Anthony Smith

Attorney-Advisor

Office of PCT Legal Administration

Telephone: (703) 308-6314

Facsimile: (703) 308-6459